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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MINMETALS SHIPPING & FORWARDING  
CO. LTD.

ECF CASE

Plaintiff,

08 Civ. 3533 (RWS)

**AMENDED EX PARTE ORDER  
OF MARITIME ATTACHMENT**

- against -

HBC HAMBURG BULK CARRIERS  
GmbH, & Co.KG

Defendant

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**WHEREAS**, on April 11, 2008, Plaintiff, MINMETALS SHIPPING & FORWARDING CO. LTD. filed a Verified Complaint herein for damages amounting to \$1,981,689.00 inclusive of interest, cost and reasonable attorneys' fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

**WHEREAS**, on April 18, 2008, Plaintiff filed an Amended Verified Complaint herein for damages amounting to \$2,710,928.00 inclusive of interest, cost and reasonable attorneys' fees, and praying for the issuance of Amended Process of Maritime Attachment and Garnishment

pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

**WHEREAS**, the Amended Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the Defendant's property within the District of this Court up to the amount of \$2,710,928.00; and

**WHEREAS**, the Court has reviewed the Amended Verified Complaint and the supporting affidavit, and the conditions of the Supplemental Admiralty Rule B appearing to exist, it is hereby

**ORDERED**, that Amended Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by or being held for the Defendant by any garnishees within this District, including but not limited to, JPMORGAN CHASE BANK, UBS AG, CITIBANK, N.A., BANK OF NEW YORK, BANK OF AMERICA, HSBC BANK, DEUTSCHE BANK, WACHOVIA BANK, BARCLAYS, BNP PARIBAS, AMERICAN EXPRESS BANK and STANDARD CHARTERED BANK, and in an amount up to and including \$2,710,928.00 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

**ORDERED** that any person claiming an interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

**ORDERED** that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

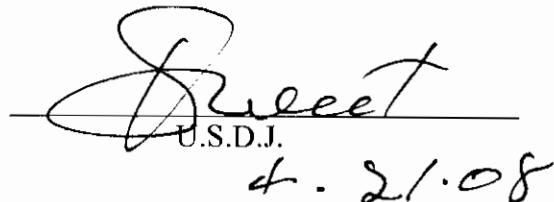
**ORDERED** that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Amended Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or by electronic mail to any garnishee; and it is further

**ORDERED** that service on any garnishee described above is deemed effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day; and it is further

**ORDERED** that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further

**ORDERED** that a copy of this Order be attached to and served with said Amended Process of Maritime Attachment and Garnishment.

Dated: New York, New York  
April 17, 2008



The image shows a handwritten signature in black ink. The signature reads "Bruce S. Breet" with a horizontal line underneath. Below the line, the initials "U.S.D.J." are written. To the right of the signature, the date "4-21-08" is handwritten.